



CANNON BUILDING  
861 SILVER LAKE BLVD., SUITE 203  
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE  
**DEPARTMENT OF STATE**  
DIVISION OF PROFESSIONAL REGULATION

TELEPHONE: (302) 744-4500  
FAX: (302) 739-2711  
WEBSITE: [WWW.DPR.DELAWARE.GOV](http://WWW.DPR.DELAWARE.GOV)

PUBLIC MEETING MINUTES:	<b>COUNCIL ON REAL ESTATE APPRAISERS</b>
MEETING DATE AND TIME:	<b>Tuesday, November 20, 2012 at 9:30 a.m.</b>
PLACE:	861 Silver Lake Boulevard, Dover, Delaware <b>Conference Room A</b> , 2nd floor of the Cannon Building
MINUTES APPROVED:	January 11, 2013

**Members Present**

William Diveley, Chair, Professional Member  
Ronald Mandato, Vice Chair, Professional Member  
Georgianna Trietley, Professional Member  
Brad Levering, Professional Member  
Frank Smith, Public Member  
Richard Wheeler, Public Member  
Frank Long, Public Member

**Division Staff/Deputy Attorney General**

Patricia Davis-Oliva, Deputy Attorney General  
Amanda McAtee, Administrative Specialist II  
Sheryl Paquette, Administrative Specialist III

**Members Absent**

**Others Present**

Doug Sensabaugh  
James Rostocki  
Susan Williams  
Sheila Ross  
Leslie Vasquez  
Susan Durham  
John Zistl  
Hal Godwin

**Call to Order**

Mr. Diveley called the meeting to order at 9:39a.m.

### **Review and Approval of Minutes**

The Council reviewed the minutes from the October meeting. Mr. Long made a motion, seconded by Ms. Trietley, to approve the minutes as submitted. The motion carried unanimously.

### **Unfinished Business**

#### **Sign Order to Correct 10.7.1 Concerning CE Hours**

Ms. Davis-Oliva stated that the order was to correct changes to Rule 10.7.1. There was a typographical error in the original Rules and Regulations order that reduced the continuing education hours down to 14 hours from 28 hours as a result of the public comment that was received. Ms. Davis-Oliva stated that she had changed that in the Rule but had neglected to change the rest of the language where the CEs were broken down to half online and half in class so the Rule was reading 14 hours in class and 14 hours online. This could be changed without subsequent publication. The 14 hours in both sections now read 7 hours.

The Council signed the order to correct the wording in 10.7.1 concerning CE hours.

#### **Status of Complaint: 19-05-11**

Mr. Diveley stated complaint number 19-05-11 was forwarded to Attorney General's Office for review.

#### **Status of Complaint 19-13-11**

Mr. Diveley stated complaint number 19-13-11 was forwarded to Attorney General's Office for review.

#### **Review of Letter for Ted Ganderton's Consent Agreement**

Ms. Davis-Oliva stated that this letter was something the Council asked for Ms. McAtee and her to work on after the last meeting. This letter is a follow up to Mr. Ganderton letting him know that we have reviewed what he had submitted but he still was in violation of his disciplinary order. The Council had voted at the last meeting to bring him in for a rule to show cause hearing.

Ms. Davis-Oliva asked the Council if they wanted that hearing to occur in front of the Council or in front of a hearing officer. She stated that it would be faster to use a hearing officer but the Council would not hear the facts and would be presented with the hearing officer's conclusions at the next meeting. Mr. Diveley stated that the Council wanted to hear the facts in the case. The hearing was scheduled for February 19, 2013.

#### **Review of Letter and Appraisal Reports for Kelly Leaberry's Consent Agreement**

Ms. Davis-Oliva stated that after the last meeting the Council asked for Ms. McAtee to send out a reminder letter to Ms. Leaberry stating that at the initial review it did not appear that she was in compliance with her disciplinary order. Before Ms. McAtee could send the letter Ms. Leaberry sent in another appraisal report. Ms. Davis-Oliva stated that the report would be given to Mr. Mandato and Ms. McAtee would include his comments into the letter. Ms. McAtee stated that her report was received by the Division on October 31, 2012.

### **New Business**

#### **Letter from Leslie Vasquez**

The Council reviewed the letter written by Leslie Vasquez. Mr. Diveley asked Ms. Trietley for her input on the letter. Ms. Trietley stated that the letter contained valid questions and that the questions within the letter were questions that she had put together personally for a subcommittee to address. Ms. Trietley and Mr. Diveley agreed that since there were several assessors present at the meeting that the questions would be addressed. Ms. Trietley stated that the main question currently dealt with classroom courses versus online courses. Initial

classes for assessors were now offered online. The Regulation currently specified that the courses had to be taken in the classroom. Mr. Mandato stated that 90 hours of initial classes were currently required. Ms. Trietley stated that the IAAO had qualifying classes online and gave a certification upon completion.

Mr. Diveley asked if Ms. Vasquez was present at the meeting. Ms. Vasquez identified herself for the Council and asked if the initial 90 hours could be taken online versus going to a classroom. Ms. Trietley responded that in her opinion it made a lot of sense to have the ability to take the courses online. Mr. Mandato stated that it made sense to him as well and that only the continuing education courses should be half in the classroom and half online.

Ms. Davis-Oliva stated that Rule 10.6.1 identified that new applicants must complete 90 classroom hours of courses in subjects covering the appraisal assessing profession. Mr. Mandato asked Ms. Davis-Oliva if that would require a major change to allow the assessors to complete courses online. Ms. Davis-Oliva stated that it would require a Rule and Regulation change to clear up the wording. She asked the Council if the intention was to allow assessors to complete all 90 hours online. Mr. Diveley and Mr. Mandato stated that the assessors should be permitted to take all 90 hours of pre-licensing courses online, continuing education courses would remain half in the classroom and half online. Mr. Diveley stated that the Council currently accepted online courses for appraisal licensing.

Ms. Davis-Oliva stated that the Rule and Regulation change would be strike the word classroom from Rule 10.6.1 so it would then read: "having completed 90 hours of courses in subjects covering the appraisal assessing profession." Mr. Mandato stated that the Rule should state classroom or online courses. Ms. Davis-Oliva stated that it could state either to make it absolutely clear. Ms. Trietley agreed with Mr. Mandato in that the Rule should state classroom or online courses. Mr. Levering stated that the classes that were taken should be approved by Council. Ms. Davis-Oliva stated that there were a list of topics that were approved but not exclusive and it did currently state that the courses must be approved by the Council. Ms. Trietley stated that the courses offered by the Appraisal Institute were already approved. Mr. Diveley stated that the organization that hosted the class would submit to the Council and that the Council would approve it. The Council would change the wording in the Rules and Regulations so that the courses could be taken online.

Mr. Diveley asked Ms. Vasquez if all her questions were answered. Ms. Vasquez responded that the first part of her question was but the next question inquired if real estate law would be an acceptable class to take. Mr. Diveley stated that the course could be but the course would have to be submitted to the Council for approval. Mr. Mandato asked Ms. Vasquez if she knew if the course had been submitted for approval. Ms. Vasquez stated that it had not been submitted for approval because she wanted to get her questions answered before submitting the course.

Sheila Ross asked the Council if there had been an examination established for assessors. Ms. Trietley stated that the IAAO courses are to assessors what the Appraisal Institute is to appraisers. The IAAO teaches courses that include examinations at the end. In order for the Council to create a test, because the assessors cannot use the existing test for appraisers, the cost would approximately be between \$5,000 and \$10,000 to develop. Ms. Trietley stated that she was interested in potentially receiving the certification from the IAAO courses to be used as the assessor's testing because each course included a test at the end. Currently the Appraisal Institute USPAP courses are tested at the end for appraisers. As long as the assessors took an approved IAAO course and passed the test at the conclusion of the course the Council could

use that going forward.

After discussing how other Board's handled testing requirements, Ms. Davis-Oliva stated that the Council had three options regarding the exam requirement:

- Leave the current Rule how it was and require the assessors to complete 90 hours of qualifying education and take a comprehensive exam.
- Strike the requirement of the exam from the Rules and Regulations completely.
- The Council could add a fifth criteria item to the four that currently existed in the Rules and Regulations. The fifth criteria item would state that the Council would have the discretion to waive the comprehensive exam requirement if the applicant demonstrated an amount of significant education and experience. This option would give the Council the option to create a comprehensive exam at a later date if they choose to.

Mr. Wheeler stated that every applicant would need the comprehensive exam requirement waived. Ms. Trietley stated that there were currently about 30-40 assessors that existed in the state. Mr. Diveley stated that it would not be a problem for the Council to issue comprehensive exam waivers.

Mr. Levering stated that a comprehensive exam should be developed for the assessors. Mr. Mandato stated that assessors were at a different license level and that it was not feasible for the Division to create an exam for approximately 30-40 assessors. Mr. Diveley stated that he felt there should be a comprehensive exam; however, he did not feel the funding currently existed. Ms. Davis-Oliva stated that this was an unfunded government mandate.

Ms. Trietley made a motion, seconded by Mr. Wheeler, to use the exam at the end of each IAAO course as the assessor's testing requirement to get their total pre-licensing hours and strike the comprehensive exam requirement that currently existed in the Rules and Regulations. The motion carried by majority vote, with Mr. Levering opposed.

Ms. Ross asked the Council for clarification regarding practicing assessments while holding only a certified general or certified residential appraiser license. Ms. Trietley stated that certified general and certified residential appraisers already possessed more education than required for an assessor certification and they would not need to obtain an assessor license in addition to their appraiser license. Ms. Ross requested the Council to draft a clarifying Regulation that would state that a licensee that possessed a certified general or certified residential appraiser license could assess property. Ms. Trietley stated that the completion of the IAAO assessor course would exempt a certified general or certified residential licensee from holding an assessor certification.

Ms. Vasquez thanked the Council and stated her questions were answered.

#### Letter from R. Douglas Sensabaugh

Mr. Diveley reviewed the letter Mr. Sensabaugh had written the Council. Mr. Sensabaugh stated that a lot of his questions were already answered. Mr. Diveley stated that pre-licensing courses would not expire. Mr. Sensabaugh stated that he did not have some of his course information since a great length of time had transpired since he took the courses. Ms. Trietley stated that she went back to the Appraisal Institute and they had her course information on file.

Mr. Sensabaugh's letter asked the Council if department heads would be exempt from obtaining an assessor certification. Ms. Davis-Oliva stated that if anyone were to practice assessing than they would need an assessor certification. Mr. Sensabaugh thanked the Council and stated that his questions were answered.

#### New Complaints

Complaint number 19-18-12 of New Castle County was assigned to Ms. Trietley.  
Complaint number 19-19-12 regarding unlicensed activity was assigned to Ms. Trietley.  
Complaint number 19-20-12 of Sussex County was assigned to Mr. Levering.

#### Ratification of Issued Licenses

Mr. Long made a motion to ratify the list of licenses issued below, seconded by Ms. Trietley. The motion carried unanimously.

Lezlie Schoch; Trainee: Supervisor: Jeffrey Schoch, CRRPA  
Samuel Mild, CGRPA

#### Ratification of Approved Continuing Education Activities

Ms. Trietley made a motion, seconded by Mr. Smith, to ratify the approved education activities listing. The motion carried unanimously.

Ms. McAtee confirmed with the Council the process of how continuing education would be reviewed in the future. Ms. Trietley stated for Ms. McAtee to continue sending the continuing education information out to the professional members of the Council for review before each meeting. The Council would review the continuing education applications prior to the meeting. Ms. Davis-Oliva stated that Council members should not discuss any communications regarding continuing education applications with other Council members between meetings and should direct any questions directly to Ms. McAtee.

#### Election of Officers for 2013

Mr. Diveley thanked the Council for allowing him to serve as Chair for the past two years. Mr. Diveley made a motion, seconded by Mr. Mandato, to nominate Ms. Trietley for the office of Council Chair. Ms. Trietley accepted the nomination.

Mr. Smith made a motion to nominate Mr. Levering for the office of Council Chair. The motion was not seconded.

By unanimous vote, Ms. Trietley was elected as Council Chair.

Mr. Diveley made a motion, seconded by Ms. Trietley, to nominate Mr. Mandato to the office of Council Vice-Chair. The motion carried unanimously.

#### **Other Business before the Council (for discussion only)**

There was no other business before the Council.

#### **Public Comment**

Mr. Rostocki asked the Council for the status of his pending application and asked for conditional approval of his license pending Ms. Trietley's review of his work samples.

Ms. Trietley stated that she would review his work samples and made a motion, seconded by Mr. Diveley to grant conditional approval of his pending license pending the review of his work samples. The motion carried by unanimous vote.

Ms. McAtee confirmed that the work samples were sent to Ms. Trietley and Ms. Trietley confirmed that she would review the reports. Ms. Davis-Oliva reviewed the minutes from the October meeting and stated that in the October meeting the Council had already granted him conditional approval of his license contingent on the review of his sample reports.

**Next Meeting**

The next meeting is scheduled for January 11, 2013 at 9:30 a.m. in Conference Room A second floor, Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

**Adjournment**

Mr. Wheeler made a motion, seconded by Mr. Smith to adjourn the meeting. There being no further business before the Council, the meeting adjourned at 10:43 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A McAtee', with a stylized flourish at the end.

Amanda McAtee  
Administrative Specialist II

*The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Commission members and the public in supplementing their personal notes and recall for presentations.*